

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRENDA MIDDLETON,	:	
	:	NO. 1:11-CV-00748
Petitioner,	:	
	:	
	:	
v.	:	ORDER
	:	
	:	
GININE TRIM, Warden, Ohio	:	
Reformatory for Women	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 12), to which no objections were filed. In his Report and Recommendation, the Magistrate Judge recommends that Petitioner's habeas petition be dismissed with prejudice.

Petitioner was served with the Magistrate Judge's Report and Recommendation and was therefore afforded proper notice of the Magistrate Judge's Report and Recommendation as required by 28 U.S.C. § 636(b)(1)(C), including the notice that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). To date, no objections have been filed.

Having reviewed this matter pursuant to 28 U.S.C. §636(b), the Court finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct. Accordingly, the Court ADOPTS it in its entirety (doc. 12). Therefore, Petitioner's petition for habeas corpus is DENIED (doc. 1). Further, the Court DECLINES to issue a certificate of appealability with respect to Petitioner's claims for relief because "jurists of reason" would not find it debatable whether this Court is correct in its procedural rulings, and Petitioner has failed to make a substantial showing of the denial of a constitutional right. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); 28 U.S.C. § 2253(c), Fed. R. App. P. 22(b). Pursuant to 28 U.S.C. 1915(1)(c), this Court CERTIFIES that any appeal of this order will not be taken in good faith, and therefore DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: August 23, 2012

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge